



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fallaux et al.

Serial No.: 10/618,526

Filed: July 11, 2003

For: PACKAGING SYSTEMS FOR
HUMAN RECOMBINANT ADENOVIRUS
TO BE USED IN GENE THERAPY

Confirmation No.: 5055

Examiner: D. Nguyen

Group Art Unit: 1632

Attorney Docket No.: 2578-3833.9US

DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Ronald Brus, hereby certify that I am the Chief Executive Officer of Crucell Holland BV ("Crucell") and declare that:

1. Crucell is the assignee of record of U.S. Patent Application Serial No. 10/618,526.
2. According to the deposit receipt, a deposit of the PER.C6 cell line was made, under ECACC deposit number 96022940, under the provisions of the Budapest Treaty with the Centre for Applied Microbiology and Research Authority (European Collection of Animal Cell

Serial No. 10/618,526

Cultures), Porton Down, Salisbury, Wiltshire SP4, OJG, United Kingdom, an International Depository Authority, on February 29, 1996.

3. On behalf of Crucell, I state that all restrictions upon public access to the deposit (except those permitted by 37 C.F.R. § 1.808(b)) will be irrevocably removed upon the grant of a U.S. patent on this U.S. patent application, and the deposit will be replaced if viable samples cannot be dispensed by the depository.

4. According to the deposit receipt, the deposit was accepted by the International Depository Authority, effective at least as early as February 29, 1996.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the patent.

Date: February 23, 2005


Dr. Ronald Brus



CAMR

Today's Research
Tomorrow's Health

Microbiological Research Authority

14-12-1999

10:32

Introgene

+31 715248704

P.02/05

Centre for Applied Microbiology and Research

This document certifies that CELL LINE
(Deposit ref 96022940) has been accepted
as a patent deposit, in accordance with

The Budapest Treaty of 1977,
with the European Collection of Cell Cultures on

29th February 1996

Dr. Alan Doyle,
Head, Cell Resources.

BEST AVAILABLE COPY

APPENDIX 3

page 14

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

TO

INTROGENE BV
PO Box 3271
2280 GG Rijswijk
The Netherlands
NAME AND ADDRESS
OF DEPOSITOR

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

PER C6

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:

96022940

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

☒ a scientific description☐ a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the microorganism identified under I above,
which was received by it on 29/2/1996 (date of the original deposit)¹

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International
Depositary Authority on (date of the original deposit) and
a request to convert the original deposit to a deposit under the Budapest Treaty
was received by it on (date of receipt of request for conversion)

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Dr A Doyle
EMCAG, CAMR
Porton Down
Address: Millsbury SP4 0JC

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):

Date: 27.2.97

¹ where Rule 6.4(d) applies, such date is the date on which the status of international depositary
authority was acquired.

Appendix 3
page 24BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

TO
INTROGENE BV
PO Box 3271
2280 GG Rijswijk
The Netherlands

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

NAME AND ADDRESS OF THE PARTY
TO WHOM THE VIABILITY STATEMENT
IS ISSUED

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Introgene BV Address: PO Box 3271 2280 GG Rijswijk The Netherlands	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: 96022940 Date of the deposit or of the transfer: 29th February 1996
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on <div data-bbox="66 1255 245 1314"><input checked="checked" type="checkbox"/> ³ viable</div> <div data-bbox="66 1339 386 1398"><input type="checkbox"/> ³ no longer viable</div>	

- ¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
- ² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.
- ³ Mark with a cross the applicable box.

Appendix 3
page 25IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED⁴

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Dr A Doyle

Address: ECACC, CAMR
Porton Down
Salisbury
SP4 0JGSignature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):

Date:

27.2.97

⁴ Fill in if the information has been requested and if the results of the test were negative.